

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION))))	MDL NO. 1456 Civil Action No. 01-12257-PBS Subcategory No.: 03-10643-PBS
THIS DOCUMENT RELATES TO: <i>The City of New York, et al. v. Abbott Laboratories, Inc., et al.</i>)))	Judge Patti B. Saris

STIPULATION OF DISMISSAL AS TO CLAIMS AGAINST DEY

IT IS HEREBY STIPULATED AND AGREED by and between plaintiffs the Consolidated New York Counties and defendants Dey, Inc. and Dey Pharma, L.P. (formerly known as “Dey, L.P.”) (the Consolidated New York Counties, Dey, Inc. and Dey Pharma, L.P. shall be collectively referred to as the “Parties”) that:

1. From 2003 through 2007, the City of New York and various New York Counties commenced actions against Dey, Inc. and Dey Pharma, L.P. (collectively, “Dey”) in the various federal district courts of New York for alleged injuries to the State of New York’s Medicaid Program;

2. On June 22, 2005, Plaintiffs’ counsel filed a “corrected” consolidated complaint on behalf of the City of New York and the various counties of New York in such actions (the “Litigation”), in the Multi-District Litigation pending in the United States District Court for the District of Massachusetts, against Dey entitled *In re Pharmaceutical Average Wholesale Price Litigation: The City of New York, et al. v. Abbott Laboratories, Inc. et al.* (MDL No. 01-CV-12257-PBS, Subcategory No. 03-10643);

3. On or about April 5, 2007, the County of Orange brought an action against Dey in the United States District Court for the Southern District of New York (Orig. Civ. No. 07-CV-2777), which case was also consolidated in the Litigation pending before this Court;

4. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of the February 23, 2010 Settlement Agreement and Release between the Consolidated New York Counties, New York State and Dey, the Parties hereby stipulate to entry of an Order, in the form attached hereto as Exhibit A, dismissing with prejudice all claims asserted by Plaintiffs against Dey in the Litigation.

The undersigned parties hereto respectfully request the Court to enter an order in the form of the attached proposed order.

DATED: May 14, 2010

Respectfully submitted,

By: /s/ Joanne M. Cicala
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On Behalf of Plaintiffs the Consolidated New York Counties

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On Behalf of Defendants Dey, Inc. and Dey Pharma, L.P.

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2010, I caused a true and correct copy of the foregoing Stipulation of Dismissal as to Claims Against Dey to be served on counsel of record for each party through the Court's Electronic Case Filing System and via LexisNexis File & Serve.

/s/ James Carroll
KIRBY McINERNEY LLP